



Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: April 29, 2002

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA AMENDING
CHAPTER 8.52 OF THE PASADENA MUNICIPAL CODE,
ENTITLED "CITY TREES AND TREE PROTECTION ORDINANCE"
AND AMENDING RELATED SECTIONS OF TITLE 17 AND CHAPTER 1.25.

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 8.52 OF THE PASADENA MUNICIPAL CODE, ENTITLED "CITY TREES AND TREE PROTECTION ORDINANCE" AND AMENDING RELATED SECTIONS OF TITLE 17 AND CHAPTER 1.25.

BACKGROUND AND PURPOSE OF ORDINANCE:

At its meeting of September 17, 2001, the City Council directed the amendment of Pasadena Municipal Code Chapter 8.52 to create specific protections for trees within the City of Pasadena.

The purpose of this proposed ordinance is to recognize the substantial economic, environmental and aesthetic importance of trees within the community, to preserve and grow Pasadena's canopy cover by protecting landmark, native and specimen trees on specified areas of private property and to expand the protection of street trees and trees on public property.

Therefore, it is the purpose of this City Trees and Tree Protection Ordinance to:

- A. Preserve and grow Pasadena's canopy cover by protecting landmark, native and specimen trees on specified areas of private property and expanding the protection of street trees and trees on public property.

MEETING OF 4/29/2002

AGENDA ITEM NO. 7.A.3.

- B. Safeguard the City's urban forest by providing for the regulation of the protection, planting, maintenance and removal of trees in the city.
- C. Protect the visual and aesthetic character of the city.
- D. Improve and enhance property values by conserving and adding to the distinctive and unique aesthetic character of the many areas of Pasadena.
- E. Improve the quality of life for residents, visitors and wildlife.
- F. Create favorable conditions for the protection and propagation of designated landmark, native and specimen trees, for the benefit of current and future residents of Pasadena.
- G. Maintain and enhance the general health, safety and welfare of the city and its residents by assisting in counteracting air pollution and in minimizing soil erosion and other related environmental damage.
- H. Protect and maintain healthy trees in the land use planning processes as set forth herein.
- I. Establish procedures and practices for fulfilling the purposes of this city tree and tree protection ordinance.

REVISIONS TO ORDINANCE:

The following revisions have been made to the Tree Protection Ordinance subsequent to its presentation at the April 15, 2002 meeting of City Council:

1. Section 8.52.080(D) has been modified to address Councilmember Tyler's request, as follows:

"(D) No permit is required for city employees or contractors of the city to do the following: to prune native, public or specimen trees under the direction of the city manager; to prune native, public or specimen trees as required for compliance with statewide regulations applicable to trees around electrical lines; to injure or remove native, public or specimen trees as the city manager has determined is necessary or prudent for the public health, safety or welfare provided advance notice is given by the city manager to the city council unless advance

notice is not feasible, in which case notice will be given promptly thereafter. All tree removal shall be otherwise consistent with adopted public tree removal criteria."

2. All references to tree protection in "RM-12 multifamily residential" zoned lots, which were directed by City Council and included in the Agenda Report but inadvertently omitted in the Summary and Sections 8.52.025(A), 8.52.085 (B) and 8.52.085(D) of the ordinance, have been restored to the ordinance, as follows:

Summary, page 3, Paragraph 1, (B), (D) and (E)

".....(B) to injure, or to remove without a permit, any native tree over 8 inches in diameter located in the established front yard, required side yard, established corner yard or required rear yard in any single-family residential or *RM-12 multifamily residential* zoned lot; (C) to prune, injure, or to remove without a permit, any landmark tree; (D) to injure, or to remove without a permit, any specimen tree located in the established front yard, required side yard, established corner yard or required rear yard in any lot which is zoned single-family residential or *RM-12 multifamily residential*; (E) to injure or to remove without a permit any native tree or any specimen tree in zones other than single-family residential and *RM-12 multifamily residential*."

Section 8.52.025 A

"Native and specimen trees located in the established front yard, required side yard, established corner yard, or required rear yard of all property located in a single-family residential or *RM-12 multifamily residential* zone, and in all areas of all other zoning districts within the city."

Section 8.52.085 B

"Native tree. To injure, or to remove without a permit, any native tree located in the established front yard, required side yard, established corner yard, or required rear yard of all property located in a single-family residential or *RM-12 multifamily residential* zone, and in all areas of all other zoning districts within the city."

Section 8.52.085 D

"Specimen tree. To injure, or to remove without a permit, any specimen tree located in the established front yard, required side yard, established corner yard, or required rear yard of all property located in a single-family residential or *RM-12 multifamily residential* zone, and in all areas of all other zoning districts within the city."

3. Section 8.52.030 has been modified to add a section requiring that the City Manager develop maintenance standards as they relate to trees in public places.
4. Section 8.52.030(I) has been revised by including a reference to the Specimen tree list, as follows:

Section 8.52.030 I

"Prepare and submit the tree protection guidelines, and the specimen tree list, and any revisions thereto to the city council for adoption by resolution;"

5. Section 8.52.065 included an incorrect reference to Section 8.52.065 and the correct reference to 8.52.020 was made, as follows:

Section 8.52.065

"Any person or city agency may propose to the cultural heritage commission that a tree meets the criteria set forth in section 8.52.020 and should be designated as a landmark under chapter 2.75 and, thereby, as a landmark tree under this chapter 8.52."

REASON WHY LEGISLATION IS NEEDED:

The protection of trees in the City of Pasadena is established in the Pasadena Municipal Code and may only be amended by ordinance.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

The Department of Public Works and Transportation and the Department of Planning and Development will be primarily affected by the proposed ordinance.

ENVIRONMENTAL IMPACT:

The Environmental Administrator has determined that the Tree Protection Ordinance is exempt from the California Environmental Quality Act (CEQA) under the "General Rule" section 15061 (b) (3) of the CEQA Guidelines. The "General Rule" states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. If it can be seen with certainty that the project could not possibly have a significant effect or impact on the environment, the project is not subject to CEQA. The purpose of the proposed ordinance is to amend the Pasadena Municipal Code to further protect public trees and to protect certain private trees which

currently are not protected by the Code.


FISCAL and SERVICE IMPLICATIONS:

The affected Departments will absorb the costs of implementing the ordinance for six (6) months and will return to City Council with a full projection of costs.

Respectfully submitted,

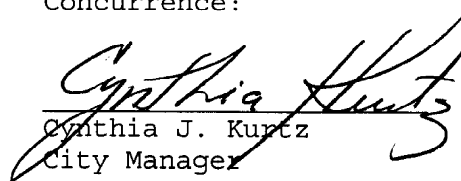

Michele Beal Bagneris
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Prepared by: 4/29/02



Nicholas George Rodriguez
Assistant City Attorney

Concurrence:



Cynthia J. Kurtz
City Manager

Introduced by

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING
CHAPTER 8.52 OF THE PASADENA MUNICIPAL CODE,
ENTITLED "CITY TREES AND TREE PROTECTION ORDINANCE"
AND AMENDING RELATED SECTIONS OF TITLE 17 AND CHAPTER 1.25.

The People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and the corresponding costs of publication, will be published by title and summary as permitted by Section 508 of the Charter. The approved summary of this ordinance reads as follows:

"SUMMARY

The purpose of this proposed ordinance is to recognize the substantial economic, environmental and aesthetic importance of trees within the community. The goal of the proposed tree protection ordinance is to preserve and grow Pasadena's canopy cover by protecting landmark, native and specimen trees on specified areas of private property and expanding the protection of street trees and trees on public property.

New sections are added to define 'public trees' and 'street trees' as well as 'landmark,' 'native' and 'specimen' trees. A definition of 'hazardous' is provided which allows trees to be removed without a permit under certain defined circumstances. Definitions for 'injure' and 'pruning' are provided with respect to actions affecting a tree's physical condition. A definition of 'location' is provided to allow determination of where trees are protected. A definition of

'multi-trunk' is provided to determine the size of certain trees.

A designation process for landmark trees is created which is the same process as for the designation of other city landmarks. A list of designated landmark trees will be on file with the department of public works and transportation and the planning and development department, and these trees will be afforded special protection in certain specified circumstances. The city council will also adopt, by resolution, the characteristics of protected specimen trees which are then afforded automatic protection under the ordinance.

Native trees, defined as trees of specific types of oak, walnut and sycamore with a trunk diameter of at least 8 inches at 4 ½ feet above natural grade are automatically afforded certain protections under the ordinance.

Tree protection guidelines will provide all of the specific standards with respect to protection of trees under this ordinance. These guidelines will become effective on acceptance by resolution of the city council and will be updated as warranted.

New restrictions on tree work and removal are created, requiring permits unless excepted by this chapter. No permit will be required for pruning trees on private property, except for landmark trees. There is an exception created which allows removal of hazardous trees and trees that must be removed for a number of public purposes, including the East Side Storm Drain Project, and an exception recognized for projects and permits approved as of the effective date of this ordinance. Standard application, appeal and call up

procedures for permit related decisions under the zoning code are incorporated by reference into this ordinance. Related sections of the Zoning Code are amended to incorporate the explicit protections of the tree protection ordinance into the ongoing planning and permitting process.

No permits will be given for work on public trees, and all work on public trees will be performed by the city. Any person desiring special maintenance or removal of a public tree shall make a written request to the city manager and pay the costs of service according to rates set by resolution of the city council if the request is granted. Unless excepted, the following will be unlawful acts under this ordinance: (A) to prune, injure or to remove any public tree; (B) to injure, or to remove without a permit, any native tree over 8 inches in diameter located in the established front yard, required side yard, established corner yard or required rear yard in any single-family residential or RM-12 multifamily residential zoned lot; (C) to prune, injure, or to remove without a permit, any landmark tree; (D) to injure, or to remove without a permit, any specimen tree located in the established front yard, required side yard, established corner yard or required rear yard in any lot which is zoned as single family residential or RM-12 multifamily; (E) to injure or to remove without a permit any native tree or any specimen tree in zones other than single-family residential and RM-12 multifamily residential.

No permit which will result in injury to or removal of a landmark, native or specimen tree will be issued unless one of the

following findings is made: (1) there is a public benefit or public health safety or welfare benefit to the injury or removal that outweighs the protection of the tree; or (2) the present condition of the tree is such that it is not reasonably likely to survive; or (3) there is an objective feature of the tree that makes the tree not suitable for the protections of this chapter; or (4) there would be a substantial hardship to a private property owner in the enjoyment and use of real property if the injury or removal is not permitted; or (5) to not permit injury to or removal of a tree would constitute a taking of the underlying real property; or (6) the project includes a landscape design plan which will result in a tree canopy coverage of greater significance than the one removed. In addition, procedures required by the landmark process must be followed prior to issuing of any permit to remove a landmark tree. Permits for pruning landmark trees require a showing that proper pruning standards will be observed. Relocation of protected trees will be treated as a removal.

The tools of compliance orders and administrative citations are provided to enforce the provisions of the ordinance, and civil and criminal penalties are specified for violation of the ordinance.

This is a summary of the ordinance for the purpose of general notice and orientation only and does not itself constitute legal provisions or the law. The full text of this ordinance will become law and interested and affected persons may rely on the full text alone."

SECTION 2. Chapter 8.52 of the Pasadena Municipal Code is amended by amending to read, in its entirety:

"Chapter 8.52

CITY TREES AND TREE PROTECTION ORDINANCE

Sections:

- 8.52.010 Short title.
- 8.52.015 Purposes of ordinance.
- 8.52.020 Definitions.
- 8.52.025 Applicability.
- 8.52.030 City Manager responsibilities.
- 8.52.032 Tree protection guidelines.
- 8.52.040 Consultation policy.
- 8.52.050 Design commission.
- 8.52.060 Protection policy.
- 8.52.065 Designation of landmark trees.
- 8.52.066 Designation of native and specimen trees.
- 8.52.070 Private property tree removal and landmark tree pruning permits - Applications.
- 8.52.075 Private property tree removal and landmark tree pruning permits - Issuance.
- 8.52.076 Work on public trees.
- 8.52.080 Exemptions. No permit required for certain pruning and removal.
- 8.52.085 Prohibited acts.
- 8.52.090 Sidewalk and street repair.
- 8.52.100 Hazards -- Private property.
- 8.52.110 Protection of trees during improvements.
- 8.52.120 Attachments to street trees.
- 8.52.140 Interference.
- 8.52.150 Notice of public tree removal.
- 8.52.155 Prosecution of violations.
- 8.52.160 Penalties and administrative proceedings.
- 8.52.165 Remedies not exclusive.

8.52.010 Short title.

This chapter shall be known as the 'city trees and tree protection ordinance.'

8.52.015 Purposes of ordinance.

Pasadena is graced by the presence of thousands of mature trees that contribute long-term aesthetic, environmental, and economic

benefits to the city. Aesthetically, trees offer dimensions in the form of color, shape, texture, scale and variety. Mature trees are often integral components of many historic sites and their presence contributes to the site's cultural and historic significance.

Environmental benefits derived by trees include the filtering of air pollutants; increasing atmospheric oxygen levels; stabilizing soils; reducing heat convection; decreasing wind speed; and reducing the negative effects of solar glare. The biological diversity of wildlife and plant communities is enhanced by the favorable conditions created by trees.

The economic benefits derived from trees include increased property values, and additional revenue generated by businesses, visitors and new residents attracted to the urban forest image of the city. Trees are a major capital asset to the city and like any valuable asset they require appropriate care and protection.

Therefore, it is the purpose of this ordinance to:

A. Preserve and grow Pasadena's canopy cover by protecting landmark, native and specimen trees on specified areas of private property and expanding the protection of street trees and trees on public property.

B. Safeguard the City's urban forest by providing for the regulation of the protection, planting, maintenance and removal of trees in the city.

C. Protect the visual and aesthetic character of the city.

D. Improve and enhance property values by conserving and adding to the distinctive and unique aesthetic character of the many areas of Pasadena.

E. Improve the quality of life for residents, visitors and wildlife.

F. Create favorable conditions for the protection of designated landmark, native and specimen trees, for the benefit of current and future residents of Pasadena.

G. Maintain and enhance the general health, safety and welfare of the city and its residents by assisting in counteracting air pollution and in minimizing soil erosion and other related environmental damage.

H. Protect and maintain healthy trees in the land use planning processes as set forth herein.

I. Establish procedures and practices for fulfilling the purposes of this city tree and tree protection ordinance.

8.52.020 Definitions.

For the purposes of this chapter, the following terms are defined as follows:

A. 'City' shall mean the city of Pasadena.

B. 'City manager' means the city manager and such representative as he or she may designate in writing.

C. 'Established corner yard' means the area between the side property line and the principal structure on a lot.

D. 'Established front yard' means the area between the front property line and the principal structure on a lot.

E. 'Hazard' or 'hazardous' means a tree, or part of a tree, that has a high potential for failure and falling on a nearby object because of dead or dying branches, roots or trunk.

F. 'Injure' means any act or omission which substantially affects or seriously jeopardizes the health of a living tree, in the determination of the city manager.

G. 'Landmark tree' means a tree designated as a landmark under chapter 2.75 of this code as a tree of historic or cultural significance and of importance to the community due to any of the following factors: It is one of the largest or oldest trees of the species located in the city; it has historical significance due to an association with a historic building, site, street, person or event; or it is a defining landmark or significant outstanding feature of a neighborhood.

H. 'Located' or 'location' of a tree means that place where any portion of the trunk of a tree is found at natural grade.

I. 'Maintain' or 'maintenance' means pruning, trimming, spraying, fertilizing, watering, treating for disease or injury or any other similar act which promotes growth, health, beauty and life of trees.

J. 'Master street tree plan' means the comprehensive street tree plan approved by the city council, which lists the official

street tree to be planted or replaced for all streets or sections of streets within the city.

K. 'Median' or 'traffic island' means a raised area within a street not used for vehicular traffic.

L. 'Multi-trunk' means any tree with multiple trunks attributed to a single tree. Each trunk shall be measured at a height of 4 ½ feet above natural grade, and the combined diameters of the trunks shall be used to determine the tree's size for the purposes of this ordinance.

M. 'Native tree' means any tree with a trunk more than 8 inches in diameter at a height of 4 ½ feet above natural grade that is one of the following species: *Quercus agrifolia* (Coast live oak), *Quercus engelmannii* (Engelmann oak), *Quercus chrysolepis* (Canyon oak), *Platanus racemosa* (California sycamore), *Juglans californica* (California walnut), *Quercus berberidifolia* (Scrub oak), *Quercus lobata* (Valley oak), *Umbellularia californica* (California bay), *Populus fremontii* (Cottonwood), *Alnus rhombifolia* (California alder), *Populus trichocarpa* (Black cottonwood), *Salix lasiolepis* (Arroyo willow), and *Aesculus californica* (California buckeye).

N. 'Official street tree' means an approved species of street tree designated in the master street tree plan.

O. 'Parkway' means an area between the property line and the face of the curb, or an area between the property line and the area where the face of the curb would ordinarily be located.

P. 'Property owner' means the person listed as the owner in fee simple of a lot or parcel with the office of county recorder or lawfully exercising the power of the property owner with respect to said lot or parcel.

Q. 'Pruning' means the removal of dead, dying, diseased, live interfering, and weak branches according to the most recent standards of the International Society of Arboriculture.

R. 'Public benefit' means a public purpose, service or use which affects residents as a community and not merely as particular individuals.

S. 'Public tree' means a tree located in a place or area under ownership or control of the city including but without limitation streets, parkways, open space, parkland and including city owned property under the operational control of another entity by virtue of a lease, license, operating or other agreement.

T. 'Specimen tree' means any tree meeting the criteria established by resolution of the city council by species and size of tree which is thereby presumed to possess distinctive form, size or age, and to be an outstanding specimen of a desirable species and to warrant the protections of this chapter.

U. 'Street' means any public right of way regardless of whether it is described as a street, avenue, road, boulevard, drive, lane, court, place, alley, or by any other such designation.

V. 'Street tree' means any public tree whose trunk is located primarily within any parkway, public sidewalk, street median, traffic

island or other right of way under the ownership or control of the city by easement, license, fee title or other permissive grant of use.

8.52.025 Applicability.

The provisions of this chapter providing protection for specific trees shall apply as follows, unless excepted by provisions of this chapter.

A. Native and specimen trees located in the established front yard, required side yard, established corner yard, or required rear yard of all property located in a single-family residential or RM-12 multifamily residential zone, and in all areas of all other zoning districts within the city.

B. Landmark trees located at all places within the city.

C. Public trees located at all places within the city.

8.52.030 City Manager responsibilities.

The City Manager shall:

A. By use of city employees, private contractors or authorized volunteers, plant, maintain and otherwise care for, or, if necessary, remove public trees.

B. Prepare an annual program for tree planting and tree care in public places of the city;

C. Recommend to the city council changes or additions to the master street tree plan as needed;

D. Inspect the planting, maintenance and removal of all public trees;

E. Develop maintenance standards as they relate to trees in public places.

F. Make determinations on public tree removal based upon tree reports prepared by certified arborists, other relevant facts, and upon established public tree removal criteria;

G. Review development and construction plans as they affect landmark, native, public and specimen trees;

H. Act as advisor to the design commission of the city;

I. Prepare and submit the tree protection guidelines, and the specimen tree list, and any revisions thereto to the city council for adoption by resolution;

J. Issue permits and make determinations specified under this chapter;

K. Maintain a comprehensive inventory of public trees; and

L. Act as the enforcement official who is designated to issue a compliance order or an administrative citation to enforce this chapter pursuant to Chapter 1.25 or 1.26, respectively, of this code.

8.52.032 Tree protection guidelines.

Tree protection guidelines are the standards and specifications for the protection of trees under this chapter. The tree protection guidelines, and any revision thereto, shall be effective as of the date of their adoption by resolution of the city council.

8.52.040 Consultation policy.

All departments, agencies and personnel of the city shall consult with the city manager prior to engaging in any action which would require the removal of, or which would otherwise substantially affect or seriously jeopardize the health of any existing public tree.

8.52.050 Design commission.

The design commission shall review, advise and make recommendations to the city council relating to the city's tree planting, maintenance and removal practices and proposed amendments to the master street tree plan.

8.52.060 Protection policy.

It shall be the policy of the city to protect and maintain mature and healthy trees. Special consideration shall be afforded public, landmark, native and specimen trees as set forth in this chapter.

8.52.065 Designation of landmark trees.

Any person or city agency may propose to the cultural heritage commission that a tree meets the criteria set forth in section 8.52.020 and should be designated as a landmark under chapter 2.75 and, thereby, as a landmark tree under this chapter 8.52.

8.52.066 Designation of native and specimen trees.

All trees meeting the definition of native or specimen trees in Section 8.52.020 are automatically subject to the protections of this chapter, as of the effective date of this ordinance.

8.52.070 Private property tree removal and landmark tree pruning permits -- Applications.

A. Where other discretionary approval is requested: Where a property owner wishes to remove a tree protected under this ordinance as part of a plan for which a discretionary approval under title 17 of this code is otherwise required, the application for discretionary approval shall also be deemed an application for a permit under this chapter to the decision maker for the discretionary approval. Any decision on the application for a permit shall be subject to the same procedures for appeal and call for review as a decision on the associated discretionary approval.

B. Where no discretionary approval is requested: Where a property owner wishes to remove a tree protected under this ordinance on private property, and no other discretionary approval is required under title 17 of this code, then an application shall be made to the city manager for a permit according to the standard application procedures and submittal requirements set forth in chapter 17.80 except that the decision shall be made in accordance with the time set forth in Section 8.52.075(B). A decision on an application shall be made according to the standards of this chapter and shall be subject to the same procedures for appeal and call for review set forth in chapter 17.104 as if it were a decision of the director within the meaning of that chapter. No noticed public hearing shall be required for an application under this section unless otherwise required by another section of this code or state or federal law.

C. Landmark tree pruning. Any property owner desiring to prune a landmark tree located on their property shall make an application to the City Manager on a form provided by the City to assure that the pruning

shall be conducted according to the most recent standards of the International Society of Arboriculture.

8.52.075 Private property tree removal and landmark tree pruning permits -- Issuance.

A. Any permit or approval which will result in injury to or removal of a landmark, native or specimen tree protected under this chapter shall be denied unless one of the following findings is made: (1) there is a public benefit as defined in Section 8.52.020(R), or a public health, safety or welfare benefit, to the injury or removal that outweighs the protection of the specific tree; or (2) the present condition of the tree is such that it is not reasonably likely to survive; or (3) there is an objective feature of the tree that makes the tree not suitable for the protections of this chapter; or (4) there would be a substantial hardship to a private property owner in the enjoyment and use of real property if the injury or removal is not permitted; or (5) to not permit injury to or removal of a tree would constitute a taking of the underlying real property; or (6) the project, as defined in Section 17.12.020, includes a landscape design plan which will result in a tree canopy coverage of greater significance than the tree canopy coverage being removed, within a reasonable time after completion of the project. In addition, for removal of a landmark tree, any such permit or approval shall be denied unless procedures specified for removal of landmarks in Chapter 2.75 are first followed.

B. An application shall be granted, denied, or granted conditionally on the date of the associated discretionary decision, or, if none, within 15 business days after a complete application is

made. The approval may be based on imposed conditions reasonably necessary to meet the standards of this chapter.

8.52.076 Work on public trees.

Public trees. No permits will be issued to any person or entity for pruning or removal of public trees, and all pruning and removal of public trees shall be undertaken by employees or contractors of the city pursuant to Section 8.52.080. Any person desiring to initiate special maintenance or removal of a public tree by the city, may make a written request to the city manager and pay the costs of service and replacement at rates set by resolution of the city council, should the request be granted. Any such request will be considered based on the provisions of this chapter, established public tree removal criteria, other ongoing public tree work and available resources.

8.52.080 Exemptions -- No permit required for certain pruning and removal.

A. No permit is required to prune a native or specimen tree on private property as long as the tree is not injured.

B. No permit is required to prune, injure or remove a tree that is not explicitly protected by this chapter.

C. Where immediate action is required for the protection of life or property, no permit is required to remove or to injure a landmark tree, native tree, public tree or specimen tree which has been determined to be hazardous, by the city manager, any police officer or any fire fighter, after inspection of the tree.

D. No permit is required for city employees or contractors of the city to do the following: to prune native, public or specimen trees under the direction of the city manager; to prune native, public

or specimen trees as required for compliance with statewide regulations applicable to trees around electrical lines; to injure or remove native, public or specimen trees as the city manager has determined is necessary or prudent for the public health, safety or welfare provided advance notice is given by the city manager to the city council unless advance notice is not feasible, in which case notice will be given promptly thereafter. All tree removal shall be otherwise consistent with adopted public tree removal criteria.

E. No permit is required to prune, injure or remove a tree on a project for which a variance, conditional use permit or design review approval has been obtained from the city prior to the effective date of this chapter or for a project for which a valid building permit has been lawfully issued by the city prior to the effective date of this ordinance.

F. No permit is required for any tree removal undertaken to cover the city-owned drainage channel known as the East Side Storm Drain as shown on Drawing No. 5096 on file in the offices of the city department of public works and transportation.

8.52.085 Prohibited acts.

The following are prohibited acts under this chapter unless expressly exempted:

A. Landmark tree. To prune, injure, or to remove without a permit, a landmark tree located anywhere in the city.

B. Native tree. To injure, or to remove without a permit, any native tree located in the established front yard, required side yard, established corner yard, or required rear yard of all property located in a single-family residential or RM-12 multifamily

residential zone, and in all areas of all other zoning districts anywhere in the city.

C. Public tree. To prune, to injure or to remove a public tree located anywhere in the city.

D. Specimen tree. To injure, or to remove without a permit, any specimen tree located in the established front yard, required side yard, established corner yard, or required rear yard of all property located in a single-family residential or RM-12 multifamily residential zone, and in all areas of all other zoning districts anywhere in the city.

E. To plant a tree of a species other than the official street tree in a parkway, median or traffic island, and a violator shall be subject to a civil penalty.

F. To fail to adhere to the terms and conditions of any permit issued under this chapter.

G. To fail to adhere to the terms of any tree protection plan imposed as a condition of any discretionary land use approval or development agreement with the city.

8.52.090 Sidewalk and street repair.

The repair of sidewalks, curbs, gutters or streets may create a need to prune tree roots to the extent that the tree is damaged or becomes unstable. When this occurs, the city manager, whose decision shall be final, shall give consideration to the following in lieu of action that may damage, destabilize or cause the removal of a tree:

A. To not make such improvements;

B. To displace the sidewalk laterally away from the tree trunk, either locally for each tree, or uniformly along length of the street;

C. To displace the curb and gutter laterally into the paved roadway of the street, either locally, or uniformly along a length of the street, which in some cases may necessitate the prohibiting of street parking of vehicles at all times, provided such displacement does not create traffic hazard, or conditions adverse to proper street sweeping or drainage;

D. To defer repairs with temporary asphalt patch to eliminate hazard;

E. To widen the parkway;

F. To relocate the sidewalk or curb;

G. To eliminate the sidewalk on one side of the street;

H. To raise the sidewalk.

8.52.100 Hazards -- Private property.

It shall be unlawful and a violation of this chapter to allow any tree, shrub or plant located primarily on private property to create a hazard or to create danger or likelihood of harm to any public place, public area, parkway or street or to public health, safety or welfare.

8.52.110 Protection of trees during improvements.

During the construction, repair, alteration, relocation or removal of any building, structure or accessory structure in the city, no person in control of such work shall leave any landmark, native,

specimen or public tree without sufficient guards or protections to prevent injury to the landmark, native, specimen or public tree, in connection with such construction, repair, alteration, relocation or removal and it shall be unlawful and a violation of this chapter to do so.

8.52.120 Attachments to street trees.

No person shall, without the written permission of the city manager, attach or keep attached to any public tree, street tree, shrub or plant in any street, park or other public place of the city, or to the guard or stake intended for the protection there of, any wire, rope, sign, nail or any other device whatsoever.

8.52.140 Interference.

No person shall interfere with any city employee or city contractor acting under this chapter.

8.52.150 Notice of public tree removal.

The city manager shall give at least 10 days written notice to abutting property owners prior to the removal of any public tree. No notice shall be required to be given, however, if the public tree has been determined to be hazardous under the standards in Section 8.52.080(C). In the event of a decision under this chapter for the removal of 3 or more public trees in an area, the city manager shall also notify the city council, the design commission and any neighborhood organizations located in such area which are known.

8.52.155 Prosecution of violations.

A violation of any provision of this chapter shall be prosecuted as a misdemeanor or infraction at the option of the city prosecutor and as further set forth in section 8.52.160 with respect to penalties and administrative proceedings.

8.52.160 Penalties and administrative proceedings.

A. Misdemeanors. Any person who violates any provision of this chapter and is convicted of a misdemeanor shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a period of not more than 6 months or by both such fine and imprisonment.

B. Infractions. Any person who violates any provision of this chapter and is convicted of an infraction shall be punished by a fine of not more than \$250.00. Each person convicted may be deemed guilty of a separate offense for every day during any portion of which any violation is committed or permitted.

C. In addition to the penalty provisions of subsections A and B of this section, violations of Sections 8.52.085, 8.52.100, 8.52.110, 8.52.120 or 8.52.140 may be subject to the administrative proceedings set forth in chapters 1.25 and 1.26 of this code, including, but without limitation, civil penalties, late payment penalties, administrative fees, other related charges and, to the maximum extent permitted by law, tree replacement costs as established by resolution of the city council.

8.52.165 Remedies not exclusive.

To the maximum extent permitted by law, administrative remedies specified in this chapter are in addition to and do not supersede or

limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

SECTION 3. Section 17.20.010 is amended by adding a new subsection "G" as follows:

"G. Ensure the protection of landmark, specimen and native trees to the extent set forth in Chapter 8.52 of this code (City Trees and Tree Protection Ordinance)."

SECTION 4. Section 17.20.030 is amended as follows:

A. By amending the schedule entitled, "**RS-1, RS-2, RS-4 AND RS-6 DISTRICTS: DEVELOPMENT STANDARDS**" as shown in Exhibit 1, attached hereto and incorporated by this reference.

B. By amending the schedule entitled, "**RS-1, RS-2, RS-4 AND RS-6 DISTRICTS: ADDITIONAL DEVELOPMENT STANDARDS**" by adding the following:

"(T) No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 5. Section 17.22.010 is amended by adding a new subsection "H" as follows:

"H. Ensure the protection of landmark, specimen and native trees to the extent set forth in Chapter 8.52 of this code (City Trees and Tree Protection Ordinance)."

SECTION 6. Section 17.22.030 is amended as follows:

A. By amending the schedule entitled, "**RM-12 DISTRICT: DEVELOPMENT STANDARDS**" as shown in Exhibit 2, attached hereto and incorporated by this reference.

B. By amending the schedule entitled, "**RM-12 DISTRICT: ADDITIONAL**

DEVELOPMENT STANDARDS" by adding the following:

"(X) No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 7. Section 17.24.010 is amended by adding a new subsection "I" as follows:

"I. Ensure the protection of landmark, specimen and native trees to the extent set forth in Chapter 8.52 of this code (City Trees and Tree Protection Ordinance)."

SECTION 8. Section 17.24.030 is amended as follows:

A. By amending the schedule entitled, **"RM-16, RM-32 AND RM-48 DISTRICTS: DEVELOPMENT STANDARDS"** as shown in Exhibit 3, attached hereto and incorporated by this reference.

B. By amending the schedule entitled, **"RM-16, RM-32 AND RM-48 DISTRICTS: ADDITIONAL DEVELOPMENT STANDARDS"** by adding the following:

"(CC) No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 9. Section 17.28.010 is amended by adding a new subsection "J" as follows:

"J. Ensure the protection of landmark, specimen and native trees to the extent set forth in Chapter 8.52 of this code (City Trees and Tree Protection Ordinance)."

SECTION 10. Section 17.28.030 is amended as follows:

A. By amending the schedule entitled, "**CO, CL AND CG DISTRICTS: DEVELOPMENT STANDARDS**" as shown in Exhibit 4, attached hereto and incorporated by this reference.

B. By amending the schedule entitled, "**CO, CL AND CG DISTRICTS: ADDITIONAL DEVELOPMENT STANDARDS**" by adding the following:

"(R) No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 11. Section 17.32.010 is amended by adding a new subsection "G" as follows:

"G. Ensure the protection of landmark, specimen and native trees to the extent set forth in Chapter 8.52 of this code (City Trees and Tree Protection Ordinance)."

SECTION 12. Section 17.32.030 is amended as follows:

A. By amending the schedule entitled, "**IG DISTRICT: DEVELOPMENT STANDARDS**" as shown in Exhibit 5, attached hereto and incorporated by this reference.

B. By amending the schedule entitled, "**IG DISTRICT: ADDITIONAL DEVELOPMENT STANDARDS**" by adding the following:

"(O) No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 13. Section 17.33.020 is amended by adding a new subsection "N" as follows:

"N. Ensure the protection of landmark, specimen and native trees to the extent set forth in Chapter 8.52 of this code (City Trees and Tree Protection Ordinance)."

SECTION 14. Section 17.33.070 of said code entitled, "**Development Standards**" is amended as shown in Exhibit 6, attached hereto and incorporated by this reference.

SECTION 15. Section 17.33.080 (E) of said code is amended as follows: "Front and Corner yards. Projects shall comply with the setbacks shown on the map entitled "Central District (CD) Street Frontage Setback Map," dated March 2000, published herewith and incorporated by this reference. To ensure the protection and/or health of landmark, native, public and specimen trees, the design authority designated in Section 17.92.030 may require modification of the setback requirement for tree protection as set forth in chapter 8.52. Within that portion of CD-1 south of Green Street, the design commission may allow the front yard to be set back from the front property line for landscaping or outdoor dining. For residential projects, building projections into yards shall be permitted per the applicable residential standards. For nonresidential projects, building projections may encroach into a front or corner yard as follows:"

SECTION 16. Section 17.33.080 of said code entitled, "**Additional Development Standards**" is amended by adding the following:

"(U) No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 17. Section 17.36.010 is amended by adding a new subsection "D" as follows:

"D. Ensure the protection of landmark, specimen and native trees to the extent set forth in Chapter 8.52 of this code (City Trees and Tree Protection Ordinance)."

SECTION 18. Section 17.36.040 is amended as follows:

"Development standards shall be as specified by a conditional use permit; provided, that if the conditional use permit fails to regulate an element regulated by an abutting district, the regulations of the abutting district shall apply to each portion of an OS district. Prior to approval of the conditional use permit or master development plan, OS district properties shall be subject to the development standards of the most restrictive abutting base district. Developments consistent with an approved master plan as prescribed by Chapter 17.98 shall not be subject to conditional use permit review. City Construction projects shall meet the public art design standards of Chapter 17.78. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 19. Section 17.40.010 is amended by adding a new subsection "D" as follows:

"D. Ensure the protection of landmark, specimen and native trees to the extent set forth in Chapter 8.52 of this code (City Trees and Tree Protection Ordinance)."

SECTION 20. Section 17.40.040 entitled, "**Development Standards**" is amended by the adding a new subsection D as follows:

"D. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 21. Section 17.46.010 entitled, "**Specific Purposes**" is amended by adding a new subsection P as follows:

"P. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 22. Section 17.46.060 of said code entitled, "**Development Standards**" is amended as shown in Exhibit 7, attached hereto and incorporated by this reference.

SECTION 23. Section 17.47.010 is amended by adding a new subsection DD as follows:

"DD. Ensure the protection of landmark, specimen and native trees to the extent set forth in Chapter 8.52 of this code (City Trees and Tree Protection Ordinance)."

SECTION 24. Section 17.47.080 of said code entitled, "**Development Standards**" is amended as shown in Exhibit 8, attached hereto and incorporated by this reference.

SECTION 25. Subsection "I" of Section 17.48.057 is amended to read as follows:

"(I) A tree protection plan shall be submitted that indicates the extent of vegetation removal for site preparation and development, and the location and species of individual trees of 4-inch caliper or more

at 4.5 feet above grade. Maximum effort should be exercised to retain existing trees on site. For trees to be removed, efforts shall be made to transplanting them on site. For each native tree or shrub larger than 4-inch caliper that is removed and not transplanted on site, a 15-gallon replacement tree shall be planted on the site. For trees in excess of 8-inch caliper, the replacement tree shall be 24-inch box or larger, or a combination of sizes to be approved by the zoning administrator. Use of native oaks is encouraged."

SECTION 26. PD-1 - EATON CANYON INDUSTRIAL PARK contained in **APPENDIX B** is amended by adding the following:

"13. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 27. PD-2 - VILLA PARKE contained in Appendix B is amended by adding the following:

"U. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 28. PD-3 - KINNELOA ANNEXATION contained in Appendix B is amended by adding the following:

"9. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 29. PD-4 - MOUNTAIN STREET CLASSICS TOWNHOMES contained in Appendix B is amended by adding the following:

"H. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 30. PD-5 - ALLESANDRO PLACE/FAIR OAKS contained in Appendix B is amended by adding the following:

"F. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 31. PD-6 - EATON WASH contained in APPENDIX B is amended by adding the following:

"G. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 32. PD-7 - SECO STREET contained in APPENDIX B is amended by adding the following

"I. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 33. PD-8 - MARENGO AVENUE contained in APPENDIX B is amended by adding the following:

"K. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 34. PD-9 - EL MIRADOR contained in APPENDIX B is amended by adding the following:

"P. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 35. PD-10 - COLORADO/LAKE contained in APPENDIX B is amended by adding the following:

"N. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 36. PD-11 - FOOTHILL BOULEVARD, CRAIG AVENUE AND WHITE STREET contained in APPENDIX B is amended by adding the following:

"C. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 37. PD-12 - WALNUT-LOS ROBLES contained in APPENDIX B is amended by adding the following:

"X. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 38. PD-13 - MARENGO-BELLEVUE contained in APPENDIX B is amended by adding the following:

"S. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 39. PD-15 - HUNTINGTON HOTEL contained in APPENDIX B is amended by adding the following:

"36. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 40. PD-16 (JET PROPULSION LABORATORY-Employee parking) contained in **APPENDIX B** is amended by adding the following:

"H. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 41. PD-17 ROSE TOWNHOMES contained in **APPENDIX B** is amended by adding the following:

"KK. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 42. PD-18 - COLORADO/EL NIDO contained in **APPENDIX B** is amended by adding the following:

"M. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 43. PD-21 - MONTGOMERY ENGINEERING contained in **APPENDIX B** is amended by adding the following:

"37. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 44. PD-22 - LINCOLN TRIANGLE TOWNHOUSES contained in **APPENDIX B** is amended by adding the following:

"13. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 45. PD-24 - SOUTH LAKE AVENUE RETAIL DEVELOPMENT contained in **APPENDIX B** is amended by adding the following:

"11. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 46. PD-25 - VISTA DEL ARROYO BUNGALOWS contained in **Appendix B** is amended by adding the following:

"13. No construction shall be permitted that results in the injury or removal of a landmark, native, or specimen tree as defined under Chapter 8.52 unless findings are made pursuant to Chapter 8.52."

SECTION 47. Section 1.25.020 is amended by changing the definition of 'Administrator,' only, to read as follows, with no other changes to that section:

"'Administrator' means the enforcement official who is duly authorized to enforce a provision of the Pasadena Municipal Code that is subject to this chapter."

SECTION 48. This ordinance shall take effect thirty days following its publication by title and summary.

Signed and approved this ____ day of _____, 2002.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held _____, 2002, by the following vote:

AYES:

NOES:


ABSENT:

ABSTAIN:

PUBLISHED:

Jane L. Rodriguez, CMC
CITY CLERK

APPROVED AS TO FORM: 4/25/02



Nicholas George Rodriguez
Assistant City Attorney